



Senate

General Assembly

File No. 22

January Session, 2007

Substitute Senate Bill No. 1166

Senate, March 13, 2007

The Committee on Public Safety and Security reported through SEN. STILLMAN of the 20th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE ARREST HISTORY OF APPLICANTS FOR POLICE POSITIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-51i of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) For the purposes of this section, "employer" means any person
4 engaged in business who has one or more employees, including the
5 state or any political subdivision of the state.

6 (b) No employer or an employer's agent, representative or designee
7 may require an employee or prospective employee to disclose the
8 existence of any arrest, criminal charge or conviction, the records of
9 which have been erased pursuant to section 46b-146, 54-76o or 54-142a,
10 except that any person applying for a position as a municipal police
11 officer or state police officer shall remain responsible for reporting all
12 previous arrests which have been erased pursuant to section 46b-146

13 or 54-142a.

14 (c) (1) An employment application form that contains any question
15 concerning the criminal history of the applicant, except an application
16 for employment as a municipal police officer or state police officer,
17 shall contain a notice, in clear and conspicuous language: [(1)] (A) That
18 the applicant is not required to disclose the existence of any arrest,
19 criminal charge or conviction, the records of which have been erased
20 pursuant to section 46b-146, 54-76o or 54-142a, [(2)] (B) that criminal
21 records subject to erasure pursuant to section 46b-146, 54-76o or 54-
22 142a are records pertaining to a finding of delinquency or that a child
23 was a member of a family with service needs, an adjudication as a
24 youthful offender, a criminal charge that has been dismissed or nolle,
25 a criminal charge for which the person has been found not guilty or a
26 conviction for which the person received an absolute pardon, and [(3)]
27 (C) that any person whose criminal records have been erased pursuant
28 to section 46b-146, 54-76o or 54-142a shall be deemed to have never
29 been arrested within the meaning of the general statutes with respect
30 to the proceedings so erased and may so swear under oath. (2) In the
31 case of an application for employment as a municipal police officer or
32 state police officer, an employment application form that contains any
33 question concerning the criminal history of the applicant shall contain
34 a notice, in clear and conspicuous language: (A) That the applicant is
35 not required to disclose the existence of any arrest, criminal charge or
36 conviction, the records of which have been erased pursuant to section
37 54-76o, (B) that criminal records subject to erasure pursuant to section
38 54-76o are records pertaining to an adjudication as a youthful offender,
39 and (C) that any person whose criminal records have been erased
40 pursuant to section 54-76o shall be deemed to have never been arrested
41 within the meaning of the general statutes with respect to the
42 proceedings so erased and may swear so under oath.

43 (d) No employer or an employer's agent, representative or designee
44 shall deny employment to a prospective employee solely on the basis
45 that the prospective employee had a prior arrest, criminal charge or
46 conviction, the records of which have been erased pursuant to section

47 46b-146, 54-76o or 54-142a or that the prospective employee had a prior
48 conviction for which the prospective employee has received a
49 provisional pardon pursuant to section 54-130a.

50 (e) No employer or an employer's agent, representative or designee
51 shall discharge, or cause to be discharged, or in any manner
52 discriminate against, any employee solely on the basis that the
53 employee had, prior to being employed by such employer, an arrest,
54 criminal charge or conviction, the records of which have been erased
55 pursuant to section 46b-146, 54-76o or 54-142a or that the employee
56 had, prior to being employed by such employer, a prior conviction for
57 which the employee has received a provisional pardon pursuant to
58 section 54-130a.

59 (f) The portion of an employment application form which contains
60 information concerning the criminal history record of an applicant or
61 employee shall only be available to the members of the personnel
62 department of the company, firm or corporation or, if the company,
63 firm or corporation does not have a personnel department, the person
64 in charge of employment, and to any employee or member of the
65 company, firm or corporation, or an agent of such employee or
66 member, involved in the interviewing of the applicant.

67 (g) Notwithstanding the provisions of subsection (f) of this section,
68 the portion of an employment application form which contains
69 information concerning the criminal history record of an applicant or
70 employee may be made available as necessary to persons other than
71 those specified in said subsection (f) by:

72 (1) A broker-dealer or investment adviser registered under chapter
73 672a in connection with (A) the possible or actual filing of, or the
74 collection or retention of information contained in, a form U-4 Uniform
75 Application for Securities Industry Registration or Transfer, (B) the
76 compliance responsibilities of such broker-dealer or investment
77 adviser under state or federal law, or (C) the applicable rules of self-
78 regulatory organizations promulgated in accordance with federal law;

79 (2) An insured depository institution in connection with (A) the
80 management of risks related to safety and soundness, security or
81 privacy of such institution, (B) any waiver that may possibly or
82 actually be sought by such institution pursuant to section 19 of the
83 Federal Deposit Insurance Act, 12 USC 1829(a), (C) the possible or
84 actual obtaining by such institution of any security or fidelity bond, or
85 (D) the compliance responsibilities of such institution under state or
86 federal law; and

87 (3) An insurance producer licensed under chapter 701a in
88 connection with (A) the management of risks related to security or
89 privacy of such insurance producer, or (B) the compliance
90 responsibilities of such insurance producer under state or federal law.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	October 1, 2007	31-51i
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PS *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill requires that municipal and state police applicants report prior arrests (even if they have previously been erased) with an exception for youthful offender records, when applying for a police officer position. The bill is not anticipated to result in a fiscal impact to the Police Officer Standards and Training Council, municipal police departments, or the Department of Public Safety.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 1166*****AN ACT CONCERNING THE ARREST HISTORY OF APPLICANTS
FOR POLICE POSITIONS.*****SUMMARY:**

Under current law, an employer cannot require employees or prospective employees to disclose erased criminal history records. And any employment application containing questions on applicants' criminal history must include a notice informing applicants that they do not have to disclose the existence of such records and may swear under oath that they have never been arrested with respect to such records. The erased records covered by the law pertain to delinquency; family with service needs; youthful offender status; absolute pardons; and criminal charges that have been dismissed, nolle, or resulted in a not guilty finding.

This bill makes police applicants (but not police officers) responsible for reporting all such erased records, except youthful offender records. It requires police employment applications to include a clear conspicuous notice informing applicants that they do not have to disclose the existence of erased youthful offender records and may swear under oath that they have never been arrested with respect to such records.

EFFECTIVE DATE: October 1, 2007

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 13 Nay 8 (02/27/2007)